IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 4078 OF 2000

M/s. Unit Trust of India
and Ors. ...Petitioners.

V/s

The State of Maharashtra
and anr. ...Respondents.

Mr. Ganesh Gole for the petitioners.

Mr. R.Y. Mirza, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 3rd February, 2006

P.C:

1. Heard the learned Counsel for the petitioners.

2. None appeared for respondent No.2 though he is served. On the last date also, none appeared on behalf of respondent No.1.

3. Petitioners are challenging the order of issuance of process which is passed by the Additional Chief Metropolitan on a complaint filed by the Inspector, Security Guards Board for Greater Bombay vide Case No.402/S/1996. It is alleged in the said complaint that the present applicant had committed an offence under section 175 of the Indian Penal Code and clause 26(2)of the Maharashtra Private Security Guards (Regulation of Employment & Welfare) Act, 1981 which

is punishable under clause 39 of the said Scheme.

4. It is submitted by the learned Counsel appearing on behalf of the petitioners that under section 23 of the said Act, the Unit Trust of India was exempted by virtue of notification which was issued by the Government exempting the Union Trust of India from the provisions of the Maharashtra Private Security Guards (Regulation of Employment & Welfare) Act, 1981. A letter to that effect is annexed to the application which is at Exhibit-D. In view of the exemption granted by the Central Government as per the provisions of the said Act, the Unit Trust of India is not an establishment within the meaning of the provisions of the said Act and, therefore, the Officers of the Unit Trust of India are not liable to be prosecuted. The Division Bench of this Court in several cases had also passed similar orders in respect of the other organizations which have been granted exemption, which are annexed to this application.

5. In this view of the matter, Criminal Application is allowed. Criminal Case No. 402/S/1996 is quashed.

V.M. KANADE, J.